

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGEL PINEDA SANCHEZ,
Petitioner,
v.
TRISTAN LEMON,
Respondent.

No. 2:23-cv-01115-TLN-DB

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

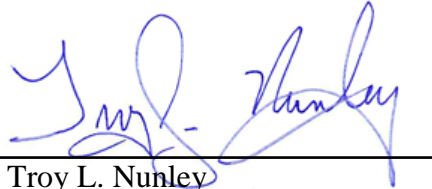
On June 17, 2024, the magistrate judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 16.) The time to file objections has passed, and neither party filed on any objections.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations, filed on July 17, 2024 (ECF No. 16), are ADOPTED IN FULL;
2. The Court GRANTS Respondent's unopposed Motion to Dismiss (ECF No. 10);
3. The Court DISMISSES Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1) without prejudice;
4. The Court DECLINES to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
5. The Clerk of Court is directed to close this case.

Date: August 5, 2024



Troy L. Nunley
United States District Judge